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PLEASE REPLY TO

**ATLANTIC COUNTY OFFICE**

July 21, 2023

*Via ECF*

Sharon A. King, U.S.M.J.  
United States District Court for the District of New Jersey  
Mitchell H. Cohen Building & U.S. Courthouse  
Camden, NJ 08101

Re: Terruso-Crespo v. Tornblom, et. al.  
Docket No: 1:21-cv-15288 (CPO) (SAK)  
Our File No: 48009-01

Dear Judge King,

Please accept this letter application to stay discovery proceedings, pursuant to this Court's Text Order dated July 11, 2023 (ECF No. 87). This office represents Defendant, Eric Tornblom, in the above matter.

On January 28, 2022, the Court entered an Opinion and Order, granting a previous motion to stay discovery, pending the resolution of the parallel criminal matter. (ECF Nos. 48, 49). On or about April 24, 2023, a State Court grand jury returned an indictment in the parallel criminal matter, charging our client. See Letter from Plaintiff's Counsel dated April 25, 2023. (ECF No. 74).

Plaintiff's recent motion to file an amended complaint was granted, and on July 6, 2023, the Estate's Second Amended Complaint was filed with the Court. The Second Amended Complaint alleges, *inter alia*, that Defendant, Eric Tornblom, violated the plaintiff decedent's constitutional rights.

The analysis and rationale set forth by the Court in the January 2022, order to stay the civil case discovery proceedings pending the resolution of the parallel criminal matter, apply to the current procedural posture of the case. The criminal matter remains pending, and the parties in the civil action have not obtained relevant materials from the State's criminal investigation. There is a high likelihood of the defendant officers' asserting their Fifth Amendment rights during the pendency of the criminal investigation and prosecution, if depositions were to proceed at this time. This Court held in the January 28, 2022, Opinion, 'since the criminal case stems from the same set of facts as the civil action, allowing the criminal matter to resolve would streamline the civil proceedings. (ECF No. 48, at p.8). The Opinion further stated:


"If litigation were to proceed, this undoubtedly disadvantages the defendants. The Court also finds that all parties would be burdened if this matter were not stayed. None of the parties are armed with the totality of the documents and evidence seized by the NJAG during its investigation. Engaging in discovery without his [this] information may be premature and may result in significant discovery extensions once the NJAG's documents are received. This factor weighs in favor of staying discovery." *Id.*

It is respectfully submitted that there is no basis to reverse the Court's prior determination to stay the litigation, given the considerations set forth in its January 28, 2022, Opinion, and in Walsh Sec., Inc, v. Cristo Prop. Mgmt., Ltd., 7 F. Supp. 2d 523 (D.N.J. 1998). Defendant Tornblom requests the Court enter an Order staying discovery in this matter at this time.

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Also, since Defendants have not had any opportunity to review any investigation material from the related criminal discovery, we request the Court enter an order vacating the term that the Defendants file responsive pleadings before the Order to Stay is vacated.

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By:   
A. Michael Barker, Esquire

Cc: All counsel of record via ECF